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10	UNITED STATES DISTRICT COURT	
11	NORTHERN DISTRICT OF CALIFORNIA	
12	SAN FRANCISCO DIVISION	
13	UNITED STATES OF AMERICA,)	No.: CR 08-0358 PJH
14	UNITED STATES OF AMERICA,	140 CR 00 0330 1311
15 16	Plaintiff,	STIPULATION AND [P ROPOSED] ORDER EXCLUDING TIME
17	v. (ORDER EXCEODING TIME
18	CLARENCE RUSTY TOMLIN,	
19) Defendant.	
20		·
21	On July 2, 2008 and July 23, 2008, the parties in this case appeared before the Court for	
22	status conferences. The parties stipulated and the Court agreed that time should be excluded	
23	from the Speedy Trial Act calculations from July 2, 2008, through August 6, 2008, for effective	
24	preparation of defense counsel. The parties represented that granting the continuance was the	
25	reasonable time necessary for effective preparation of defense counsel, taking into account the	
26	exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the	

ends of justice served by granting such a continuance outweighed the best interests of the public

STIP. & [PROPOSED] ORDER EXCLUDING TIME CASE NO. CR08-0358 PJH

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and the defendant in a speedy trial. See 18 U.S.C. \S 3161(h)(8)(A).

SO STIPULATED:

DATED: 7/31/08

DATED: 4/31/08

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JOSEPH P. RUSSONIELLO United States Attorney

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BARRY J. PORTMAN

Federal Public Defender

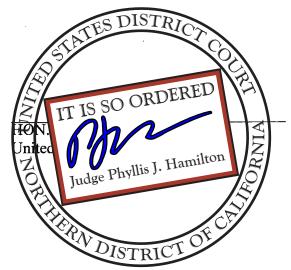
Attorney for Clarence Rusty Tomlin

[PROPOSED] ORDER

As the Court found on July 2, 2008, and July 23, 2008, and for the reasons stated above, an exclusion of time from July 2, 2008, through August 6, 2008, is warranted because the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. <u>See</u> 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: 8/4/08



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